

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6846

IN RE: WALTER JACOB DAVIS,

Petitioner.

On Petition for Writ of Mandamus.
(CR-94-73; CA-01-59-5-F)

Submitted: September 16, 2004 Decided: September 28, 2004

Before LUTTIG, KING, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Walter Jacob Davis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Walter Jacob Davis petitions for writ of mandamus, alleging the district court has unduly delayed in acting upon his Fed. R. Civ. P. 60(b) motion. Although we find that mandamus relief is not warranted, because the delay is not unreasonable, we deny the mandamus petition without prejudice to the filing of another mandamus petition if the district court does not act expeditiously. We grant Davis' motion to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED